

From:
To: [Planning](#)
Subject: planning app nym/2018/0177/fl
Date: 27 April 2018 15:20:34

fao Hilary Saunders re NYM/2018/0177/FL Hi Hilary I have some concerns re this application i wonder if you could advise me if you think they are relevent as the applicant and people that live nearby are pretty recent residents they are probably unaware of the work that was carried out to save the area.The Cliff at the rear of the Quarterdeck is not as claimed stable it still has movement with bits slipping down the steps on the cleveland way and cliff path have had to be repaired several times by your rangers.When the Quarterdeck was built in the 50s (picture enclosed probably covering area where any hut would have been the Quarterdeck is council owned) there was land drainge put in that runs out of the pipes i can send you some old photos of the pipes if you wish but i do not know where they run at the rear of the quarterdeck though but they do still run now.In 2000 there was extensive work carried out and extra land drainage put in(i watched it be put in) clearly shown on the plans with planting of bushes etc you hold the plans attachment sent. The works were carried out to protect the southern point of the village as the cliff was slipping away there are also Geology reports on line backing this up.Yes the cliff is much better now but has still slipped a fair bit.The new plans seem to be right over where all the land drainage is and a service trench would also cut through them.I wonder if you feel this has any bearing on the application as it would be hard to repair again to safegaurd properties above with services and building in the way.Also my friend Joseph Ferns had his application nyn4/029/0182e/pa to have a hot food takeaway at the post office turned down on appeal back in 1999 he was so upset he sold up and bought a cafe in scarborough in the appeal section 12 it was stated policy tr13 that it conflicts with the interests of local residents and section 7 likely lead to an over comercialisation of the village or area.As it was failed on these points I wonder if you have time would you have a look at it and if you think it would be relevant let me know as it seems a bit unfair on Mr Ferns if so.Sorry for taking your time up as i know you are sure to be very busy. thanks Neil Purves

NYMNPA

30/04/2018

LAND DRAWAGE

NYMMPA
15 JUN 2000

Existing Quarterdeck Sea Wall

Rock Armour Revetment

Promenade Grass Paving System

Rock Armour Crest

COLOURED GREEN

Land Ownership Boundary

Deep Subsurface Piped Drilled Drains

COLOURED BLUE

Mass Concrete Slipway

HATCHED

BLUE

Rock Armour to Prevent Outflanking Of Slipway

Shallow Subsurface Piped Trench Drainage

Local Reprofilling of Oversteep Glacial Till Slopes

Extensive Planting of Coppice/Grassland

Fenceline

COLOURED RED

Coppice Retained

Shallow Subsurface Unpiped Trench Drainage

Coppice Retained

The Green's Land

ROBIN HOODS BAY
QUARTERDECK SITE
GENERAL ARRANGEMENT OF
PERMANENT DRAINAGE WORKS

SCALE: 1:500 DO NOT SCALE
DRG No. 000969-01/05/040





5. Section 54A of the Town and Country Planning Act 1990, as amended, requires that applications for planning permission, and appeals, shall be determined in accordance with the development plan, unless material considerations indicate otherwise.

6. The development plan for the area of the appeal site includes the North Yorkshire County Structure Plan and the North Yorkshire Moors Local Plan, adopted in 1997. Section 61 of the Environment Act 1995 sets out the purposes of National Parks - namely to conserve and enhance the natural beauty, wildlife and cultural heritage of National Parks, and to promote opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public. These purposes are supported by policy E1 of the Structure Plan and G2 of the Local Plan.

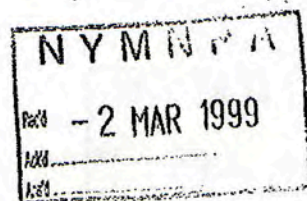
7. In addition, policies CO3 and CO4 of the Local Plan refer to support for the retention of existing and the creation of new village shops in order to provide for the needs of local residents and tourists. Policy TR13 of the same plan states that proposals for new refreshment facilities will normally be permitted where located in a commercial area or ancillary to an existing enterprise, but proposals will not normally be permitted where there is likely to be a conflict with the interests of local residents or where development would lead to an over-commercialisation of the village or local area.

8. In relation to the first issue the appeal site is located alongside the main road of the section of Robin Hood's Bay sited on the cliff top. To the west, north and east the area is primarily residential in character, while to the south commercial uses become more dominant. The appeal premises form the only retail shop in the locality and are prominently sited with an open forecourt to the road.

9. The seating area has been formed at the northern end of the forecourt, replacing a former garden area and immediately adjoining residential property. I consider that the prominent siting and open character of the seating area result in the significant visual and physical encroachment of commercial uses into the predominantly residential area. This obtrusiveness, in my view, causes material harm to the character and appearance of the area and is unacceptable.

10. Turning to the second issue, as I have indicated the seating area immediately adjoins the curtilage of the dwelling to the north of the appeal site. The front garden area of this dwelling is quite small, and the front of the dwelling is occupied by living rooms with windows close to the seating area. It is my view that the use of the seating area would result in noise, disturbance and loss of privacy to the occupiers of this dwelling to a degree which would cause serious harm to their living conditions.

11. In addition, the route for serving food to customers in the seating area would be along the path at the side of the appeal premises immediately adjoining the boundary with the dwelling to the north. While this path is at a lower ground level than the adjoining site, persons passing along it would have clear and close views of the rear garden and windows and the window and main entrance on the side of the dwelling. Thus again significant disturbance and loss of privacy would be caused to the occupiers of the dwelling. Raising the height of the fence would reduce the level of harm, but would also materially reduce the outlook from this adjoining dwelling.



12. I note the policies supporting the provision of local shops and of refreshment facilities ancillary to existing enterprises. However, policy TR13 makes it clear that such uses are not acceptable where they would result in conflict with the interests of local residents. I consider that the use for the sale and serving of hot food and the provision of the seating area in the case before me are contrary to the provisions of this policy, and therefore in conflict with the development plan for the area.

13. I have considered all other matters raised including the need for your clients to ensure the profitability of their enterprise. This is required not only to provide them with a satisfactory income but also provide local shopping facilities for the neighbouring residents. However, I note that the shop is well-stocked with a wide variety of goods available, includes a Post Office and has no competitors in the immediate locality. I understand that a licence has been granted for the sale of alcoholic beverages for consumption off the premises. It was also indicated that the sale of hot food would only represent a very small proportion of the total turnover. Thus I do not consider that the additional income to be derived would be essential to the viability of the enterprise.

14. I have also noted that the dwelling to the north is not currently occupied on a full-time basis. However, this is not a situation which can be assumed to endure for the long term. Therefore, I must consider the impact on living conditions on the basis that the dwelling will at some stage be permanently occupied. The matter of property values has been raised, but this is not something normally considered in relation to applications for planning permission and appeals. Accordingly, neither these nor any of the other matters raised are sufficient to outweigh those which have led to my decision, and I conclude that the use of the premises for the sale of hot food and the provision of the seating area are unacceptable.

15. The question of precedent has been raised by the National Park Authority with concern that allowing this appeal would lead to pressure for similar uses in inappropriate locations. Each planning application must be considered on its own merits, but I can understand the concern of the local planning authority that allowing this use in this location could make it more difficult to restrict inappropriate uses in other sensitive and prominent locations. This matter, therefore adds to the harm I have already identified.

16. I have indicated that there are no objections to that part of the planning application which relates to the alteration of the garage and the re-location of the garden shed. Section 79(1)(b) of the Town and Country Planning Act 1990, as amended, gives power to the Secretary of State to vary any part of the decision of the local planning authority. I consider that these parts of the application are severable from the change of use and the provision of the seating area, and they are neither integral to nor dependent upon such other development. In these circumstances, and in the knowledge that both parties are aware of this line of action, I propose to allow this appeal in part and grant planning permission for the alterations to the garage and the re-location of the garden shed, while dismissing that part of the appeal relating to the change of use and provision of the seating area.

17. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for alterations to the garage doors and the re-location of the garden shed at Station Road Post Office, Station Road, Robin Hood's Bay, Whitby in accordance with the terms of the application (No NYM4/029/0182E/PA) dated 26 August 1998 and the amended plans submitted therewith, subject to the condition that the





R41056

THE FRANCIS FRITH COLLECTION



From:
To: [Planning](#)
Subject: photos fao hilary saunders
Date: 29 April 2018 21:06:48

re p;anning app NYM/2018/0177/FL more old photos fao Hilary Saunders from neil purves,willowdene,church lane,fylingthorpe,north yorkshire,yo224pn showing how cliff has moved and site of quarterdeck where hut would have been(scarborough council land) re earlier questions.Awaiting your reply Regards Neil Purves



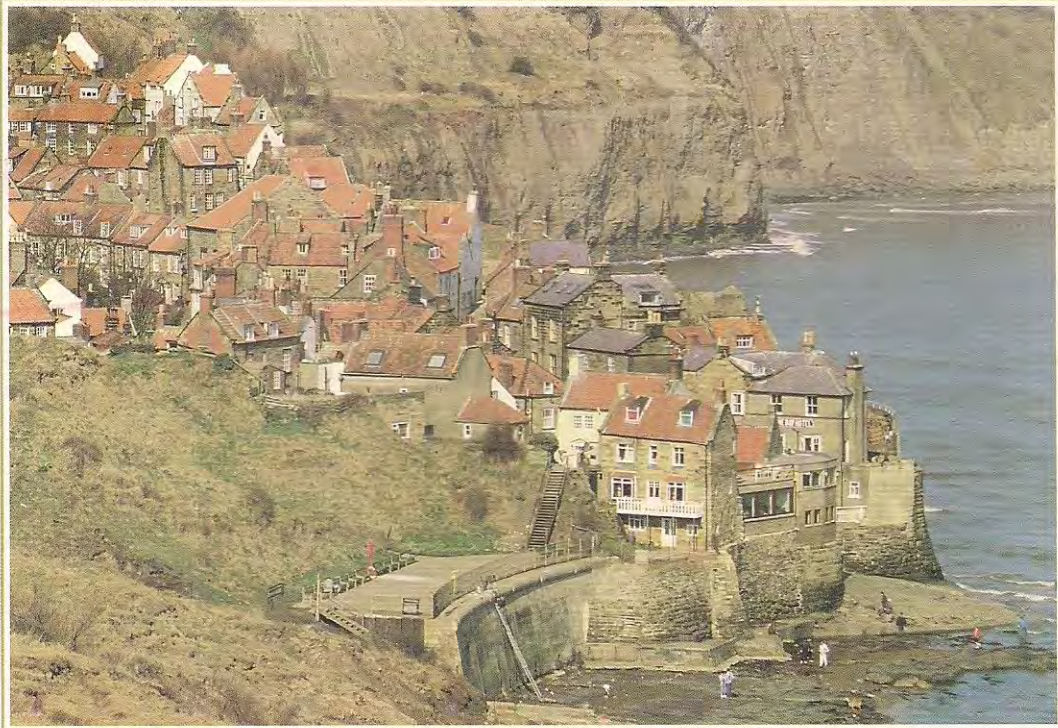
Robin Hood's Bay



Robin Hood's Bay

R.0403









From:
To: [Planning](#)
Subject: drainage photo
Date: 30 April 2018 10:20:15

re p;anning app NYM/2018/0177/FL old photo fao Hilary Saunders from neil purves,willowdene,church lane,fylingthorpe,north yorkshire,yo224pn of the Quarterdeck showing showing where the land drainage pipes that run through it from when it was built in the 50s come out now they have rock armour in front of them but they still do run re earlier questions.Awaiting your reply as to if you think any of this is relavent thanks Neil Purves

From:
To: [Planning](#)
Subject: Fwd: planning app nym/2018/0177/fl
Date: 28 April 2018 09:54:56

Hi sorry my address is willowdene, church lane, Fylingthorpe, north
yorkshire, YO224PN regards Neil Purves

From: "NEIL PURVES"
To: planning@northyorkmoors.org.uk
Sent: Friday, 27 April, 2018 3:19:53 PM
Subject: planning app nym/2018/0177/fl

fao Hilary Saunders re NYM/2018/0177/FL Hi Hilary I have some concerns re this application i wonder if you could advise me if you think they are relevant as the applicant and people that live nearby are pretty recent residents they are probably unaware of the work that was carried out to save the area. The Cliff at the rear of the Quarterdeck is not as claimed stable it still has movement with bits slipping down the steps on the Cleveland way and cliff path have had to be repaired several times by your rangers. When the Quarterdeck was built in the 50s (picture enclosed probably covering area where any hut would have been the Quarterdeck is council owned) there was land drainage put in that runs out of the pipes i can send you some old photos of the pipes if you wish but i do not know where they run at the rear of the quarterdeck though but they do still run now. In 2000 there was extensive work carried out and extra land drainage put in (i watched it be put in) clearly shown on the plans with planting of bushes etc you hold the plans attachment sent. The works were carried out to protect the southern point of the village as the cliff was slipping away there are also Geology reports on line backing this up. Yes the cliff is much better now but has still slipped a fair bit. The new plans seem to be right over where all the land drainage is and a service trench would also cut through them. I wonder if you feel this has any bearing on the application as it would be hard to repair again to safeguard properties above with services and building in the way. Also my friend Joseph Ferns had his application nym4/029/0182e/pa to have a hot food takeaway at the post office turned down on appeal back in 1999 he was so upset he sold up and bought a cafe in Scarborough in the appeal section 12 it was stated policy tr13 that it conflicts with the interests of local residents and section 7 likely lead to an over commercialisation of the village or area. As it was failed on these points I wonder if you have time would you have a look at it and if you think it would be relevant let me know as it seems a bit unfair on Mr Ferns if so. Sorry for taking your time up as i know you are sure to be very busy. thanks Neil Purves

